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C O N F I D E N T I A L SECTION 01 OF 02 MINSK 000158

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TAGS: PGOV PHUM PREL BO

SUBJECT: HUMAN RIGHTS ACTIVIST CONVICTED FOR ALLEGED POLICE ASSAULT

REF: 06 MINSK 365

Classified By: Classified by Ambassador Karen Stewart for reason 1.4 (d ) .

Summary

¶1. (C) A Minsk court recently convicted the half-brother of prominent Belarusian human rights defender Vyacheslav Sivchik for allegedly assaulting a police officer last year. Highlighting a previous assault against Sivchik by attackers who impersonated Embassy personnel during March 2006 pro-democracy demonstrations, the prosecution's case against Konstantin Lukashov was grounded in contradictory witness testimony and dubious documentary evidence. Although the judge suspended the two-year prison sentence (i.e. no jail time), the case against Lukashov represents yet another example of the GOB's judicial antagonism toward its opponents. The DCM, OSCE Ambassador, representatives of EU embassies, and prominent Belarusian political activists observed the trial. End Summary.

Background

¶2. (SBU) On March 23, 2006 human rights defender Vyacheslav Sivchik was hospitalized after being severely beaten by unknown persons who impersonated Embassy local employees and drove vehicles reportedly bearing Belarusian diplomatic license plates with the U.S. Embassy prefix "31" (reftel). Six days later, his half brother, Konstantin Lukashov, attempted to drive him away from the hospital and allegedly hit a police officer with his car at an approximate speed of 40 kilometers per hour. (Note: The police officer and several of his colleagues ostensibly had shown up at the hospital to arrest Sivchik on charges of petty hooliganism during demonstrations following Belarus' fraudulent March 2006 presidential elections.) Nine months after the alleged incident, on December 19, police arrested Lukashov -- who was collecting signatures for local political office at that time -- and placed him in pre-trial detention.

The Prosecution's Case Rang Hollow, As Usual

¶3. (SBU) Throughout the trial, which opened on February 15, the court heard dubious and contradictory testimony from an alleged victim, identified as police Senior Lieutenant Anatol Sushchenya, and two other police officers. The only evidence in support of Sushchenya's allegations that Lukashov hit him with his car was a hospital document that purportedly certified that he had incurred head trauma and other injuries. However, court medical experts refused to authenticate this document during the trial. Moreover, cross

examination revealed several discrepancies in the time and jurisdiction of the original arrest warrant that Sushchenya was to serve against Lukashov's half-brother in the hospital. Defense counsel also discredited the officers' claims that they had presented their credentials to Lukashov before he exited the hospital with Sivchik.

A Suspended Yet Politically Charged Sentence

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¶4. (SBU) On February 20, the court convicted and sentenced Lukashov to a two-year suspended jail sentence and fined him one million Belarusian rubles (USD 468). A suspended jail sentence stipulates that Lukashov will not have to spend any time in jail, but he was found guilty of a crime and will no longer be eligible to run for public office in Belarus.

(Note: Lukashov unsuccessfully contested the 2004 parliamentary elections. End note.) In addition to DCM and Poloff, OSCE Ambassador Ake Peterson and the Charges of the Czech, German, and Polish Embassies were present during the proceedings. Also observing the trial were Belarusian opposition and civil society leaders, including former presidential candidate Aleksandr Milinkevich and several opposition party and NGO representatives.

A Mother's Gratitude

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¶5. (C) After the verdict, Lukashov told DCM that his conviction and the mishandling of his case by authorities before the trial proved that the rule of law does not exist in Belarus. Lukashov's mother, Galina Sivchik, stressed that the GOB would perceive the Embassy's presence as a strong sign of support to pro-human rights forces in Belarus and

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held back tears as she expressed her gratitude to Embassy officers and to the United States.

Comment

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¶6. (C) Despite the lack of actual prison time, the proceedings and outcome of Lukashov's case typify the GOB's judicial harassment of anyone who demonstrates his/her opposition to the regime. Lukashov's fine and his time in pre-trial detention are a clear violation of his basic human rights and those of the Belarusian people.

Stewart